

REMARKS

Claims 1-8, 11-22, 24-72, 75-120, 122, and 124-127 are pending in the application, of which Claims 1, 13, 20, 27, 46, 58, 65, 77, 82, 85, 100, 106, and 113-118 are independent claims. All claims stand rejected: Claims 46, 85, 100, 106, and 113-118 under 35 U.S.C. § 101; Claims 1-12, 27-45, 58-64, 65-72, 75, 85-99, 106-112, 113, 116, 118, 119-112, 124-125, 126, and 127 under 35 U.S.C. § 103; Claims 13-19, 20-21, 23-26, 46-57, 77-81, 82-85, 100-105, 114, 115, and 117 under 35 U.S.C. § 102. In response, all rejections are traversed and reconsideration is respectfully requested.

Regarding Rejections Under Section 101

Claims 46, 85, 100, 106, and 113-118 stand rejected under 35 U.S.C. § 101. The burden is on the Office to establish a legal basis for a prima facie rejection. Here the Office has failed to meet its burden, and the rejections are traversed.

The Office has rejected Claims 85, 100, and 106 as purportedly failing to qualify as statutory subject matter. In particular, the Office asserts that the claims are not tied to another statutory class, which purportedly would require a positive recitation of the other statutory class. The Office also asserts that “[n]ominal recitation of an apparatus either in the claims or the preamble does not constitute the claim passing muster as a statutory subject matter.” The Office does not provide legal support for its rejection.

Claims 85, 100, and 106 recite a computerized method as a traditional step-by-step process claim. As a step-by-step process claim, each rejected claim meets the statutory requirements for patentability. Furthermore, the various steps include acts on structures. If the Office maintains this rejection, legal support sufficient to establish that a computerized step-by-step method claim is non-statutory or further clarification of the rejection is respectfully requested.

The Office has rejected Claim 46 as purportedly failing to qualify as a statutory category. In particular, the Office asserts that the claim does not claim any structure and is therefore software per se. Again, the Office does not provide legal support for its rejection.

Claims 46 recites a computerized system comprising “an identification” and “a mechanism” as structural claim elements. How such a claim could possibly be interpreted as software per se, which implies the domain of copyright law, is unknown. If the Office maintains this rejection, legal support for or clarification of the rejection sufficient to meet the Office’s burden is requested.

The Office has rejected Claims 113-118 as purportedly failing to qualify as a statutory category because, according to the Office, the claims fail to recite the software instructions on a “proper” computer readable medium. In particular, the Office concludes that the claims could read on a signal “which does not qualify as a patentable statutory class.” Yet again, the Office fails to provide any legal support for the rejection.

Claims 113-119 are article of manufacture claims as they recite software instructions embedded on a computer-usable medium. The claimed “computer-usable medium” is not otherwise limited, nor is further limitation necessary. Without further limitation, how does the Office determine if a medium is “proper” or not? It appears that the Office may be confusing a signal with a signal representing software instructions embedded on a computer-usable medium (such as software instructions recorded on a magnetic disk using electromagnetic signals). If the Office maintains its position that software instructions on a computer-usable medium is not a statutory article of manufacture, legal support sufficient to meet the Office’s burden is requested.

Reconsideration and withdrawal of the rejections under Section 101 are respectfully requested.

Regarding Rejections Under Section 102

Claims 13-19, 20-21, 23-26, 46-57, 77-81, 82-85, 100-105, 114, 115, and 117 stand rejected under 35 U.S.C. § 102. The Applicant disagrees with the characterization of the cited references and traverses the rejections.

The Office has rejected Claims 13-19, 77-81, and 114 under Section 102(b) as being deemed anticipated by a reference for www.archive.org as retrieved from the “Internet Archive” “any linkage January 9, 1998” (Archive reference). That Archive reference was previously discussed in detail in the Applicant’s Remarks filed on February 21, 2006, which is incorporated herein by reference in their entirety. The prior rejections were traversed and overcome by the Applicant’s arguments. The Office has, over two years later, restated the rejections without addressing the distinguishing limitations argued by the Applicant.

More specifically, Claims 13, 77, and 114 recite “an archived original content file” stored in a database, “a searchable electronic index of the archived original content file stored in the database,” and “a query engine in communication with the electronic index.” As previously argued, the Archive reference does not teach or suggest those limitations.

The Office supports its rejection with reference to the claimed storage of “an archived original content file” by asserting that page 3 of the Archive reference teaches that the Internet Archive is “storing publicly archived website materials.” The inference being that those archived website materials are the claimed archived original content files. In summary of the prior arguments, the Internet Archive adds text to and modifies links in retrieved content files prior to archiving. That demonstrates that web page content is altered by the Internet Archive to identify and reference pages stored in the Internet Archive by altering the HTML source code. Thus the Internet Archive does not store original content files, as required by the claims.

The Office supports its rejection with respect to the searchable electronic index or the archived original content file by concluding that the Internet Archive’s digital library teaches the searchable electronic index. Again, as previously argued, archived website contents according to the Archive reference are not indexed and cannot be searched. Instead, the Archive reference is limited to retrieving files based on a known URL address. Without a known URL, content files in the Internet Archive could not be retrieved.

Furthermore, the Archive reference does not include a query engine in communication with the electronic index. Again, the Internet Archive only retrieves archived website contents based on a URL. The Archive reference does not teach or suggest any mechanism to retrieve an archived file (of any kind) based on the original contents of that file, as required by the Applicant’s claims.

For further details, the Applicant again refers the Office to the Applicant's Remarks filed on February 21, 2006.

For at least the reasons given above, each rejected claim is distinguishable from the Archive reference.

The Office has rejected Claims 20-21, 23-26, 82-85, and 115 under Section "102(1)" as being deemed anticipated by a reference for www.internic.net as retrieved from the "Internet Archive" "any linkage retrieved February 21, 1999" (Internic reference). While the Office Action references Section "102(1)" it is assumed for purposes of this response that the rejections are based on Section 102(b).

Claims 20, 82, and 115 all recite "a registration retrieval mechanism" for retrieving registration content from an Internet domain name registry and storing the retrieved registration content over time, "a mechanism for associating the stored registration content with a respective time stamp ... indicating the time that the stored registration content was retrieved by the registration retrieval mechanism," and a searchable electronic index of the stored registration content." No such limitations are taught or suggested by the Internic reference.

While the Internic registry (and other registries) does register and store domain name data, that data is maintained up-to-date. While a registry may maintain backups of certain data, the Internic reference does not suggest that such data could be retrieved based on a searchable index of the registration contents. The only retrieval mechanism is the Whois service, which retrieves current data based on database fields. As such, one using the Whois service could identify the owner of a domain as of the time of a search, the service could not identify the owner of the domain as of a specific date in the past.

For at least the reasons given above, each rejected claim is distinguishable from the Internic reference.

The Office has rejected Claims 46-57, 100-105, and 117 under Section 102(c) as being deemed anticipated by U.S. Patent No. 6,282,548 to Burner. Burner was discussed in detail in the Applicant's Remarks filed on March 10, 2008, which are incorporated herein by reference.

To support the rejections, the Office asserts that column 11, lines 62-65 of Burner “teaches identification of ownership of a website and maintaining/updating data as it changes.” The cited passage in Burner, however, states “a contact address for the owner of the currently displayed page.” It says nothing about maintaining/updating data as it changes. At best, Burner would attempt to keep the contact address current.

Regardless, the Applicant does not merely claim maintaining or updating contact data. Instead, Claims 46, 100, and 117 recite storage of “each version of the ownership information” as it changes over time. The claims thus include a mechanism for storing each version “in association with a time stamp....” No such system or method of maintaining versions of contact information is taught or suggested by Burner.

For at least the reasons given above, each rejected claim is distinguishable from Burner.

While the limitations of the independent claims have been addressed above, those limitations are incorporated into the dependent claims. As such, allowance of the dependent claims should follow from allowance of the independent claims. In addition to the above noted limitations in the independent claims, the dependent claims also recite limitations directed to the patentable features. Thus, in addition to following from the allowability of their base claims, dependent claims may be separately patentable.

Reconsideration and withdrawal of the rejections under Section 102 are respectfully requested.

Regarding Rejections Under Section 103

Claims 1-12, 27-45, 58-64, 65-72, 75, 85-99, 106-112, 113, 116, 118, 119-122, 124-125, 126, and 127 stand rejected under 35 U.S.C. § 103(a). The Applicant notes that Claims 9, 10, and 121 were previously cancelled and therefore are not pending in the application. The Applicant disagrees with the characterization of the cited references and traverses the rejections.

The Office has rejected Claims 1-12, 65-72, 75, 113, 119-122, and 124-125 as being deemed unpatentable over the Archive reference in view of the Internic reference.

Claims 1, 65, and 113 recite “a searchable electronic index of original content” (emphasis added) to retrieve “desired content having a match to original content stored in the archived original content file.” First, as discussed above, the Internet Archive does not store original content files because the retrieved HTML pages are altered before being archived. Also, the Archive reference only provides a searchable index of URLs. Again, the Archive reference does not allow one to search the HTML contents of the archive for a desired content, as required by the Applicant’s claims.

In addition, the Applicant’s claims recite that the archived original content file is collected from its URL “at a specific time” and that archived domain name registration data is related to the content file “at the specific time.” In other words, the original content file and the domain name registration data are associated in time. The Archive reference makes no suggestion to retrieve domain name registration data at the time a website is crawled.

While the Internic reference is cited as maintaining registration information, page 32 of the Internic reference discusses keeping the registration information updated. It does not teach or suggest maintaining a searchable history of changes. Furthermore, the Internic reference does not cure the deficiencies in the Archive reference.

While such linking archived content with registration data at common times would make a digital library more comprehensive, that linkage would require a more complex data storage system then disclosed by either the Archive reference or the Internic reference. Thus one of ordinary skill in the art having knowledge of the Archive reference and the Internic reference would not be able to practice the claimed invention using the prior art storage system. Any motivation to archive registration data with original content is provided by the Applicant’s disclosure. Without using the Applicant’s disclosure in hindsight, there was no suggestion to archive original content and registration information at specific times, as claimed by the Applicant.

For at least the reasons given above, each rejected claim is distinguishable from the Archive reference and the Internic reference, either alone or in combination.

The Office has rejected Claims 27-45, 85-99, 116, and 126 as being deemed unpatentable over U.S. Patent No. 6,271,840 to Finseth et al. in view of the Internic reference.

Finseth discusses a graphical search index visual index. Finseth's visual index provides a user with graphical output from a list of URLs. The URL is passed to a web crawler that retrieves the web page at the URL. The graphical information from the web page "is then rendered into a reduced graphical form so that the page may be summarily reviewed by the user." (Abstract). The user can thus view a thumbnail representation of the web page without having to go directly to the URL.

It is important to note that Finseth obtains the graphical information from the web page currently resident at the URL on the Internet. In contrast, Claims 27, 85, and 116 require storing information in a data warehouse, including "a file having an image of a browser-rendered display" While Finseth generates a browser-rendered display, that rendering is done contemporaneously with the viewing of the URL list. Finseth does not teach or suggest storing images of the browser-rendered display in a data warehouse.

The Internic reference also fails to teach or suggest the storing images of browser-rendered displays in a data warehouse.

At least for the reasons given above, each rejected claim is distinguishable from Finseth and the Internic reference, either alone or in combination.

The Office has also rejected Claims 58-64, 106-112, 118, and 127 as being deemed unpatentable over Finseth in view of the Internic reference.

Similar to the above discussed claims, Claims 58, 106, and 118 require storing information in a data archive, including "a file having an image of a browser-rendered display" Again, while Finseth generates a browser-rendered display, that rendering is done contemporaneously with the viewing of the URL list. Finseth does not teach or suggest storing images of the browser-rendered display in a data archive.

The Internic reference also fails to teach or suggest the storing images of browser-rendered displays in a data archive.

For at least the reasons given above, each rejected claim is distinguishable from Finseth and the Internic reference, either alone or in combination.

While the limitations of the independent claims have been addressed above, those limitations are incorporated into the dependent claims. As such, allowance of the dependent claims should follow from allowance of the independent claims. In addition to the above noted limitations in the independent claims, the dependent claims also recite limitations directed to the patentable features. Thus, in addition to following from the allowability of their base claims, dependent claims may be separately patentable.

Reconsideration and withdrawal of the rejections under Section 103 are respectfully requested.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

R.D. Johnson & Associates, P.C.

By /Rodney D. Johnson/

Rodney D. Johnson
Registration No. 36,558

Telephone: (781) 444-6844

Facsimile: (617) 412-3081

Dated: December 12, 2008